

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5410 of 2015**

Ajay Kumar @ Kirti Dhimar, S/o Horilal Dhimar, aged about 22 years, R/o Ward No. 35, Barapara, Dhamdha, Tahsil Dhamdha, Distt. Durg (C.G.)

---- Applicant

Versus

State Of Chhattisgarh Through District Magistrate, Distt. Durg (C.G.)

---- Respondent

For Applicant:	Mrs. Smitha Jha, Advocate.
For Respondent/State:	Mr. Anil S. Pandey, Deputy Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****12/10/2015**

Heard.

(1) The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No.109/2015 registered at Police Station Dhamdha, Distt. Durg for the offences punishable under Sections 294, 506-B, 323, 341 & 307 of the Indian Penal Code.

(2) Case of the prosecution, in brief, is that applicant is said to have assaulted complainant Deepak @ Golu Dhimar by screw driver by which he suffered grievous injuries in his abdomen, which were sufficient to cause his death.

(3) Counsel for the applicant submits that on account of some perty dispute between the two families, applicant has been falsely implicated in the offence in question. He further submits that the applicant is in jail since 25.07.2015; charge sheet has already been filed and no custodial interrogation is required and, therefore, the applicant may be released on bail.

(4) On the other hand, counsel for the State submits that the applicant has caused severe injuries by screw driver, by which, he remained hospitalized for months together and, therefore, the applicant may be released on bail.

(5) Taking into consideration the facts & circumstances of the case; role the present applicant in the offence in question; applicant is in jail since 25.7.2015; charge sheet has already been filed and no custodial interrogation is required; this Court is of the opinion that it is a fit case to release the applicant on bail. Accordingly, the application is allowed.

(6) Accused/applicant is directed to be released on bail on his executing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given by the said Court.

Certified copy as per rules.

Sd/-
(Sanjay K. Agrawal)
Judge

D/-

